2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

him. His Canon was handed down orally to the elders and in their hands has been somewhat modified in different districts, but was in force through all the North Albanian mountains, both Moslem and Christian. Truly "in force," for "Lek said so" obtained more obedience than the Ten Commandments, and the teaching of the hodjas and the priests was often vain if it ran counter to that of Lek.

Who was Lek Dukagin? The Dukagini were chieftains in North Albania, and the few references to them show they ruled wide lands. In 1309 King Urosh II signed himself "King of Serbia, Chelmie, Dioclie, and Albania," and his successors styled themselves "King of Albania" till Stefan Dushan's death in 1356; but the Serbs, though they exacted tribute and labour from certain districts, do not seem to have penetrated and influenced the mountains. Only thus can we account for the fact that, except near Scutari, the place-names are Albanian, and that so soon as the Serb Empire began crumbling on Dushan's death the names of Albanian chieftains appear. The oldest reference to the Dukagini I can find is a letter, *Acta et Diplomata Res Albaniæ Illustrantia* (No. 133), from Pope Innocent III to the "noble man Demetrius, Prince of Albania," replying to one asking for religious instruction, and a document of 1216, explaining that "Demetrius is son of Progon and brother of Gini, Count of Albania."

Hopf (*Chroniques inédits Greco-Romanes*, Berlin, 1873) gives, as a result of much search, a pedigree of the Dukagini. The earliest is "Tanusius I, Dux Ginus, Lord of Zadrima, the Black Mountain (Mal i zi on the Drin?), Pulati, and Shati." He is probably the "Dux Ginius Tanuschus Albanensis" who is taken prisoner by Johannis Scotus, Charles of Sicily's Captain, at Durazzo in 1281 (*v. Acta et Dip.*, No. 455). "Gini" is Albanian for John. "Dukagini" is Duke John; "dux," in the sense of leader or chief. The title "duca" hails from Venice, just as do "gubernador" and "kapetan" in Montenegro.

From Tanusius Dux Ginus descends Lek (Alexander) I. He was a chieftain who aided the Venetians against the Turks. A dispatch from Alessio, December 1387 (*Acta et Dip.*, No. 413), states that the brothers Lek and Paul Dukagin permit free passage through their lands to the Ragusans. In 1393 (*Acta et Dip.*, No. 501), the "noble lords, Progon and Tanus, brothers, sons of the late lord Lek Dukagin, lords of the castle of Alessio," in their own names and on behalf of their relatives, hand over Alessio to the Venetians, being unable to hold it against the Turks. This Tanus is described by Hopf as lord of Fandi (now part of Mirdita). As he was lord also of Alessio this shows his lands to have been wide. He had a son, Paul, lord of Gurikuchi, Salita, etc., whose son, Lek II, is probably the Lek of the Canon. Hopf describes him as lord of Dagno and Zadrima between 1444 and 1459. These were the

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

days of the oncoming of the Turk. Lek fought on the side of Venice, and when Scutari fell in 1472 he and many refugees fled to Italy along with the Venetians. But when Sultan Mahommed II died in 1481 and his sons fought for the throne, Turkish rule in Europe was in a critical state. The Serbs, however, helped to re-establish it by fighting on behalf of one of the claimants. During the confusion Lek Dukagin returned to his homelands, as did also Ivan Tzrnojevitch, the founder of Montenegro. Ivan became a vassal of the Turks, and is known to this day in Montenegro by his Turkish title, Ivan Beg. Lek Dukagin is not recorded to have done so. That he ruled as he pleased in the mountains is shown by his great fame there. It is said that in 1464 Pope Paul II had excommunicated him for his most un-Christian code.

Of the descendants of the Dukagini two are recorded as turning Moslem. Some settled in Venice—a "Luca Ducagini Duca di Pulato e dell stato Ducagini" is recorded in Venice in 1506. The Bib Doda family, who, until the Great War, were the hereditary chiefs of Mirdita, claimed descent from the Dukagini, but could give no definite pedigree. The tribe Bijelopavlitch in Montenegro traces descent from Paul i Bardh (Paul the White), brother or nephew of Lek.

Though Lek enforced the Canon, it so much resembles tribe law of other lands that we cannot believe he originated it in the fifteenth century. What he evidently strove to do was to check crime by inflicting certain punishments. That—as the tribesmen always declared—he both ordered the taking of blood and fixed a punishment for so doing, is incredible. He probably modified and added to existing law and strictly enforced it.

This is the Canon so far as I know it. Dom Kol Ashti, the very worthy priest of Shkreli, gave me many facts. Others I learnt from Mgr. Miédia, now Archbishop of Scutari. Much I picked up in my travels, and by comparing all have compiled the following account. In Maltsia e Madhe the Canon was much modified. Among the Dukagini it was in more primitive form. The Turkish Government had somewhat modified it; but everywhere it emphasized the tribe. The tribe has jurisdiction only within its lands.

MURDER WITHIN THE TRIBE

Murder may be the result of a quarrel or it may be a blood-feud, the cause of which is more or less remote. In either case the man who has taken blood flies at once to a safe place outside the tribe. Any house is bound to give him hospitality. In the case of a feud, he is regarded as a most unfortunate man who has but done his duty. He at once proclaims his deed. The headmen of his tribe then meet and

562 592 [583] 587 a daughter and no son she has the right to remain a hundred days in the house. Then if the heirs order her to leave she must go, but her daughter remains as part of the heir's household, and he has the right to choose her husband and dispose of her. In practice the widow may remain in the house as "levirate wife" of one of her brothers-in-law, and very commonly does so among the Dukagini. In Maltsia e Madhe the practice is obsolete.

539 562 [593] If the widow has had a son who has predeceased his father, she has more consideration. If the house is a small one, she may live in it if capable of carrying on. If a large one, she may live as a member of the heir's household so long as she is unmarried. If she elects to return to her father, the heir, or heirs, must supply her regularly with wool for spinning, bread, cheese, and other necessaries so long as she remains unmarried.

421 A married daughter has no right to anything whatever of her father's property; she no longer belongs to his "house."

TRIBAL BUSINESS

623 Business relating to the whole tribe requires a very large council. In a large tribe the council may be about a hundred. It includes the heads of houses, the heads of mehalas, the bariaktar, and twelve specially chosen elders famed for their intelligence. Such a council, for example, was needed to decide if each tribe would accept the Turkish Constitution in 1908; to decide if a tribe would revolt or aid another that has revolted; what side it would take in war, and so forth. Smaller councils dealt with pasture lands; how many beasts each house might pasture upon the common lands; the date at which pasturing might begin.

421 311 [134] 312 The rights of wood-cutting, too, were thus regulated. Certain groups had rights in certain woods. Unluckily no one ever thought of replanting. Great harm has been done by deciding to burn a forest in the hope of obtaining pasture land; only too often the result being that the winter rain carried away the soil and left bare rock. The water supply is also controlled by council, especially in those districts where an ingenious system of channels carries water great distances and takes it across valleys on rude aqueducts made of hollowed tree-stems.

689 In time of scarcity the number of hours per week in which a man may turn the water into his fields is jealously regulated. Purposely defiling wells and springs was punishable.

671 Not only all the above laws are ascribed to Lek, but many rules intended to keep the peace. For example, that men marching abreast must keep the length of a gun-barrel apart, lest in turning hastily it

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1

should strike the next man and the blow would entail a fight and blood. Women should walk the length of a distaff apart—they usually spin as they go—lest a blow given should draw their men into a fight.

Neither man nor woman must pass between two persons who have just been speaking together, for (? in some occult manner) this will cause them to quarrel. So strong is this belief that once in a small hut a woman gripped me by the shoulder, dragged me out, and squeezed herself between me and the wall in order to avoid passing between me and Marko, where there was plenty of room. Lek, I was told, had so ordained. I like to think that he did his best by means of house-burning and fines to diminish the very ancient custom of "blood," and that he did not deserve the Pope's excommunication.

As we have seen, house-burning and fine are the only punishments under the Canon. Nevertheless, by decree of the council of the whole tribe the death penalty can be inflicted. In February 1912 an amazing case of wholesale justice was reported to me which had recently taken place in Mirdita. A certain family of the Fandi bairak had long been notorious for evil-doing—robbing, shooting, and being a pest to the tribe. A gathering of all the heads condemned all the males of the family to death. Men were appointed to lay in wait for them on a certain day and pick them off; and on that day the whole seventeen of them were shot. One was but five and another but twelve years old. I protested against thus killing children who must be innocent and was told: "It was bad blood and must not be further propagated." Such was the belief in heredity that it was proposed to kill an unfortunate woman who was pregnant, lest she should bear a male and so renew the evil. Three shots which missed were fired at her; she rushed to a man and called on him to protect her. He took her under his besa and she was spared.

A case of private "justice," though it took place in South Albania at Postenani, a small isolated village, and so is not connected with the Canon of Lek, is so singular that it should be recorded. I stayed some days at the village and, when leaving, a crowd gathered to see me start. When we were on the way my guide asked if I had noticed a woman who had stood near the door; I had not. He said it was a pity, as she was a very brave woman and had saved her husband. They owned a house and some land; a child was born to them, and all went well till her husband's brother arrived. He was a bad man, and demoralized the village, not only by starting gambling with card games, but by drinking and teaching very vicious practices to the youth. The woman with dismay saw her husband taken with the gambling craze, playing away his goods, and nearing ruin. Then the child was ill. She prayed her husband to send for a doctor; but the nearest was a whole day's

3: Redlich S-3 (no date) 1936 EG1 Albania EG1

which is a court of original jurisdiction in cases where sums over 2,500 Gold Francs are involved.

At the location of every sub-prefecture exists a Magistrate's court, with jurisdiction in civil and commercial affairs up to the sum of 2,500 Gold Francs.

Appellate and Supreme Courts are located in Tirana.

All courts have also criminal jurisdiction.

The laws administered by the courts are based on the law of February 7, 1929.

The laws are administered on the basis of the Civil Code of May 1, 1929, which was prepared on the basis of the Italian, French and Swiss Codes; a Criminal Code of January 1, 1928, based on the Italian Codice Penale; the Commercial Code of March 10, 1932, with all modern inclusions covering bankruptcy and negotiable instruments; the Code of Civil Procedure of April 1, 1929, which is based on the Austrian and Italian Civil Procedure. The Civil Procedure Code and Criminal Procedure Code are under consideration for revision.

There is a Notarial Law of 1929, based on

3: Redlich S-3 (no date) 1936 EG1 Albania EG1

the Italian example, and a Barrister and Solicitor Law, of 1931, modelled after the Austrian example.

The exemplary police and gendarmerie of Albania have been brought to a high degree of discipline and efficiency, the latter especially under the able command of Major General Sir Jocelyn Percy, K.B.E., C.B., C.M.G., D.S.O.

4: Garnett B-4, 5 (ca. 1880) 1891
EG1 Albania EG1

famous of these chieftains were Kara Mohammed of Scutari, and Ali Pasha of Ioannina. The former, at the end of the last century, aimed at an independent sovereignty, which his son, Mustapha Pasha, asserted in open rebellion in 1831; and the latter, notwithstanding the frightful cruelties of which he was guilty, still lives in tale and song as the mighty upholder of Albanian independence against Ottoman tyranny. Subsequent risings have, however, resulted only in the death or banishment of the most influential members of leading families, the last *coup d'état* of this description having been carried out at Prisrend and Uskup in 1881. The great landholders are now all Moslems, the property of which the Christian proprietors were despoiled at the end of last century by Ali Pasha having, on his death, been appropriated by the Sultan.

But, whether Christian or Moslem, each section of the Albanian nation has its own traditional laws and usages by which their social life is alone regulated. The Miridites claim to have received theirs from the Dukadjini princes, who, according to them, were the ancestors of their own chieftains. Their internal government is a species of aristocratic republic, all matters affecting the community being decided in council by the chiefs, the elders, and other hereditary functionaries.

The dwellings of the Albanians are quite in keeping with the character and mode of life of their occupants. Even at Ioannina, where the customs more closely approximate to those of the Greeks, the houses have a gloomy appearance from without, being shut in by

7: Amery G-5 (1943-44) 1948 EG1 Albania EG1

of the mountaineers. This ancient code of conduct has undoubtedly exercised a restraining influence on the clansmen and helped to soften the grim realities of anarchy. None the less it was our experience that, like other codes of chivalry and laws of war, it was honoured as much in the breach as in the observance. This was perhaps a recent development, born of the crisis of the times or of the influence of Western ideas unaccompanied by Western conditions. Be this as it may, what most impressed us in the way of life of the Albanians was not the stray survivals of their ancient customs but the extent to which they lived without a law at all.

If anarchy was the way, poverty was the standard of their lives. They subsisted mainly from their flocks and upon maize, grown wherever the valleys offered soil for their wooden ploughs to scratch, or traded in the towns against hides and dairy produce. Their fare was simple; their clothing homespun; the forests gave them fuel, and, with the rocks of the mountain, their building materials. They lived, Turkish fashion, on the ground, and, beyond a few rugs, mattresses, and cooking utensils, required no other furniture or amenities. Tobacco, salt, sugar, and coffee, were their luxuries; weapons their chief expenditure and pride.

But besides this pastoral economy there was another source of wealth from which the mountaineers, and especially the chief men among them, drew their strength. Bad communications made coercion difficult, but the poverty of the clans made the power of money great. Elsewhere this might have been of no great moment, but in the Balkans the clashing interests of the Powers afforded frequent opportunities for holding the Central Government to ransom, or indulging in mercenary enterprise on behalf of the foreigner. Such enterprise had ever been a time-honoured means of livelihood among the Albanians; and, if the Eastern Question had caused the ruin of their merchants, it had also created boom conditions for their mercenaries. Such indeed had been the influx of gold and arms into the mountains in the past hundred years that it was perhaps not too much to say that the whole economy and strength of many of the clans had become dependent on subsidies received for "political

[Constitution]

It is forbidden to use the church and religion for political purposes. 659

Likewise, political organizations based on religion are also forbidden.

The state may assist religious communities materially.

ARTICLE 17

Marriage and family are protected by the state. The legal conditions of marriage and family are fixed by law. 585

Legal marriages can be performed only by competent representatives of the government. After celebrating a civil marriage a citizen may celebrate a religious marriage according to the rules of his creed.

The courts of the state only are competent to determine all questions concerning marriage. [692]

Parents have the same obligations towards their illegitimate children as to those born in wedlock. Illegitimate children have the same rights as those born in wedlock. [848]

ARTICLE 18

Freedom of speech, freedom of press, freedom of organization, freedom of assembly and of public demonstration. are guaranteed to all citizens. 641

ARTICLE 19

Personal inviolability is guaranteed to all citizens. Nobody can be arrested for more than three days without a court warrant or without the approval of the district attorney. 671 641 [694]

No person shall be punished for a crime without the decision of a competent judge in conformity with the law which defines the crime and the competence of the court

No punishment shall be determined and inflicted except as prescribed by law.

No person shall be punished without a hearing nor without being summoned to defend himself according to law, except in a case where his absence is legally established

The administrative organs of the state may give jail sentences for common law misdemeanors as prescribed by law.

[Constitution]

671 No citizens may be exiled or interned within the state
641 except as prescribed by law.

The People's Republic of Albania protects the rights of its citizens in foreign lands.

ARTICLE 20

694 A home cannot be violated.

No person can enter a house and search it against the wishes of the owner, except when he holds a court order in his hands.

No search can be made except in the presence of two witnesses. The owner of the house also has a right to be present.

ARTICLE 21

205 The secrecy of mail and other correspondence cannot be violated except in cases of criminal investigations, military mobilization, or state of war.

ARTICLE 22

461 In the People's Republic of Albania work is a privilege and a duty.

Every citizen has a right to be paid according to his work and to receive from society as much as he gives to it.

ARTICLE 23

641 All citizens have a right to be employed in government work according to specific regulations laid down by law.

Citizens appointed or elected to public office are bound to perform their duties conscientiously.

ARTICLE 24

[729] It is the duty of the state to adequately support disabled
657 soldiers at public expense and to enable them to resume their work. The state shall support the families of those who died in battle and of all war victims.

ARTICLE 25

The state takes care of the health of the people by organizing and controlling health service, hospitals, and sanatoriums.

10: *Hasluck
671

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[For the translated texts of a number of laws passed at General Assemblies see category 116, pp. 261-274.]

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

But Albania's customary law is of particular
interest in that we now have it reported in detail when at a stage 671
half way from the purely customary stage to that of enactment and
a written law.

Sir Henry Maine in his *Ancient Law* traces the development of
jurisprudence from a stage at which 'it is certain that . . . no sort
of legislature, nor even a distinct author of law, is contemplated
or conceived of. Law has scarcely reached the footing of custom;
it is rather a habit. . . . The only authoritative statement of right and
wrong is a judicial sentence after the facts, not one presupposing
a law which has been violated.' This is the stage of culture reflected
in the Homeric poems, or seen in Iceland as described in the sagas,
in which is found no sovereign ruler, nor any legislative command,
nor any definite sanction, but justice is effected by the pro-
nouncements—θέμιστες, or 'dooms'—of individual chieftains.
Maine regarded this stage of law as changing with a decline in the
kingly office to one in which an aristocracy, or at least an oligarchy,
whether secular or religious, became the repository of all juridical
knowledge. The 'accurate preservation of the customs of the race
or tribe . . . was . . . insured by confiding them to the recollection of
a limited portion of the community'. Except for such customary
law, entrusted thus to a privileged order, 'there is' said Maine 'no
such thing as unwritten law in the world'. English case law, of
course, is as much written law as codified and enacted law, though
the method of writing it down is different. Customary law may of
course continue to exist as a body of unwritten law alongside
a body of divergent enacted law, a condition familiar enough in
India under British rule. Maine goes on to point out that 'when
primitive law has once been embodied in a code, there is an end
to what may be called its spontaneous development'. A new era
begins with the codes, in which modifications are to be attributed
to a conscious desire for alteration.

It is unnecessary here to discuss the precise extent to which
Maine's theory of the nature and origin of primitive law can still be
regarded as valid. At best it is incomplete for he takes little or no
account of taboo on which early codes such as those of Ham-
murabi or of Moses were based, and the taboos which preceded
early codes of law seem to have been in the main rather social or
communal in origin than arising from the individual pronounce-
ments of chieftains or deemsters. Maine however was no doubt
right enough in pointing out that when primitive law has been

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

embodied in a code there is an end to its spontaneous development. But to reach this stage the code must be an enacted code, written and recorded, and this the pronouncements of the Albanian law-givers failed to achieve. On the contrary their codes seem to have remained in the verbal custody of the village or tribal elders and subject to modification or reinterpretation from time to time by assemblies of clans or villages. It is at this stage that we have Mrs Hasluck's account of Albanian customary law—law primitive enough in many ways to be compared with the customary law of tribes much less civilized than the Albanians; but it reached the point, and that some five hundred years ago, of becoming codified verbally by the efforts of individual law-givers, Skanderbeg in particular and the famous Lek Dukagjini, without having reached the stage of enactment. This was principally due to the fact that there was no one able to enforce sanctions over the Albanian community as a whole; individual Albanian chieftains had not the power, and Turkish rule interfered but little outside the towns.

It was no doubt this absence of any such sanctions as those provided by an enacted law and enforced by a settled government, or merely even by the continuity in administration of a single ruling family, which was the primary cause of the firm establishment of the vendetta as the real sanction for all Albanian law and custom. At the same time, however, economic conditions have probably contributed to this result, for in a richer country the administration of justice might have been made profitable to any ruler strong enough to provide it. Thus Albanian customary law not only reflects an economic stage through which most nations have passed before the establishment of enacted codes, but also a condition, by no means unique but very far from universal, in which poor and isolated communities have resorted to the vendetta for the sanction of their law, and that in spite of any influence that Christianity or Islam might have had to prevent it. The etiquette of the vendetta itself is likewise a customary code not dissimilar to taboo in nature and origins; and without any more definite sanction, or naturally any sort of legislative enactment, regular and almost technical forms of procedure have come into existence in what virtually are regularly constituted courts. In this the Icelandic practices, as described in the sagas of Njal and Kormak, for instance, afford a near parallel to those of Albania, and Mrs Hasluck's account of Albanian custom will prove of importance not

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

CHAPTER II

THE UNWRITTEN LAW IN OUTLINE

To ensure for all, irrespective of their individual material wealth, a fair share of the essential grazing, arable land and irrigation, there has grown up a corpus of Unwritten Law. This was evolved at some unknown date by the mountaineers, as part of the legal framework which they had devised for every aspect of their life. They evolved all their laws—social, administrative, or pastoral—unaided. For many centuries before the Turks arrived in the fifteenth century, the country was split up into a number of principalities, none of which was strong enough for long to subject a neighbour to its rule. Though the Turks remained for four and a half centuries, they could never exert more than a nominal authority outside the chief towns. If they sent a punitive column into the interior, the people living in the mountains took evasive action, retreating to some peak until the inevitable departure of the intruders; their wealth was so small that they could carry or drive off most of it to their refuge, and so lost little from the raid. If the Turks sent tax or police officials, they fired on them at the first defile as a warning to return to their offices in town. There were no roads along which forces strong enough to be effective could march, in order to reduce them to real submission. The Turkish government, unable to enforce its will, accepted the situation and left the mountaineers to govern themselves, as they had presumably done under their native princes and chiefs. The first all-weather road to be built in North Albania was constructed in 1916 by the Austro-Hungarian armies during their temporary occupation; it ran from Shkodër to Durrës, with a branch to Tirana.

Every type of unwritten law has been constantly recast, added to, and restated down the centuries by a body of experts drawn from the rank of rulers. This rank exists because the mountaineers came to realize that an entity which is divided against itself cannot stand. Consequently, in every social unit—in house and village as in tribe or group of villages—the principle of subordination to a supreme head was accepted. In a household the headship is hereditary, with an important qualification. As the mountaineers are aware that

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

his case. Since 1912 most of this administrative and penal legislation has been superseded of set purpose by European methods and laws, whereas the social content of the old mountain code has been left comparatively undisturbed, free to come into line with the ways of the West in its own time.

The community sense was fostered by every art the mountaineers knew. Each member of a household was encouraged to regard everything in it and everything its other members said and did as his own. The humblest man was encouraged to regard his village or group of villages as his personal property. If home, village or group of villages prospered, he rejoiced as if he had himself been advanced. If they were insulted or injured, he burned to avenge a personal affront. If they were disgraced by misconduct on the part of another member, he felt his own honour to be smirched. The patriotism so bred was narrow, perhaps, but it was genuine, free from egregious self-seeking, and by its emphasis on the need to keep the community's honour untarnished, a good deterrent from crime.

This close relationship between individual and community was also a curb on dictatorship. The ruling rank had always to respect the individual's property in the community's laws. They could not make any change in an existing law unless they obtained the consent of a General Assembly of their village or tribe. They could impose, but (except in the tribes which maintained fine-collectors) they could not collect fines; social pressure was necessary for that. In a very common punishment, social ostracism, they might play no more than a subordinate part. They could not pass heavy sentences like banishment or death unless a General Assembly demanded them, and if it did, they could not resist its will. In short, the elders voiced, but did not dictate, popular sentiment.

They were no privileged oligarchy either. They might sit in the seat of honour or get the lamb's head and eye at a banquet, but they had no official residences, horses or guards of honour provided for them at public expense. They lived in houses that were often meaner than those of their subordinates; they ate the same food and toiled in the same way in their fields and among their flocks. In fact, the self-government of the Albanian mountaineers went far towards being true democracy in the Anglo-American sense of that much-abused word. In its primitive way it was really government of the People, by the People, for the People. It had

10:Hasluck F-5 (1926-1939)1954 EG1 Albania EG1

692 It had its defects, of course; sometimes a judge took a bribe or a man bore false witness in spite of the deterrents devised against such malpractices. Yet the legal system worked well on the whole, was often speedier and always cheaper than any European counterpart, and [671] left few crimes unsolved. What chiefly precluded modern Albanian governments from adopting the unwritten laws, however, was their 361 diversity. This was mainly due to the isolation in which the geo- 221 graphy of their country compels the mountaineers to live, and the fact that they do not settle permanently at altitudes more than 3000 feet above sea-level, but live on the lower slopes of the mountains enclosing their settlement and in summer graze the upper slopes as far as the mountain crests, where a carefully demarcated boundary indicates the end of their property.

623 Communications were as dangerous as they were difficult. As 484 a result the principle of delegating one man to represent a big geographical unit was not established until modern times. It was regularly practised in small units, where the delegate had to travel only a short distance, and that through known, if not friendly, [619] country. It was enough that one man should represent his house at a General Meeting of his village or tribe, but it was unthinkable to the mountaineers to hold General Meetings at which laws for the whole area might be passed as in an English Parliament. At best two adjoining communities might meet to settle a dispute about their common boundary or a road or forest, and after much argument make laws about the matter that were binding on both. 671 More usually, a village or tribe drew up or revised rules for its own governance without any regard to what others, ten, twenty or fifty miles away, were doing. The outlines of a law might approximate in different groups, especially if there had been some ancestral connexion between them, but the details of the law were as varied as the minds that shaped them in the various communities.

[693] The isolation in which it lived bred a fierce individualism in each 821 community. This prevented it from submitting to the laws of another, except in an emergency. Then it might call in an elder from outside to decide a case and afterwards consider his ruling law. Such an elder had to be specially renowned for wisdom and sound judgement, and with one known exception his influence never ran far beyond the distance he could ride in safety and comfort from his own community.

That exception was Lek Dukagjini, an ancient law-giver of such

1 n [The legal system - analyst]

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

eminence that what he said is still as sacred as Holy Writ to the mountaineers of Mirditë and all the tribes to the north, including those unjustly incorporated in Yugoslavia in 1912–13. According to tradition it was he who framed the laws by which the mountaineers still live. More probably, like Solon of Athens, he revised and codified existing laws, though apparently without setting them down on paper. Numerous items in his code resemble those known among the Romans and other ancient peoples, and in the versions we have there are many signs of evolution from earlier forms. The code is said to be best preserved in Mirditë, where its items were collected about 1913 by the eminent Franciscan scholar, Father Shtjefen Gjeçov, though his book was not published until 1933. A few years previously he had been murdered by Yugoslavs, as is related in a brother Franciscan's preface to the book.[1]

Little is known of Lek's personality. He must have been a man of standing as well as genius and fine character to have imposed his will on the rude mountaineers of his time, so he may well have belonged to the princely medieval family of north Albania which took its name from Dukagjin, a district lying between the Great Mountains (*Malësi e Madhe*) of the far north and the river Drin, and inhabited by twelve tribes of which Shalë is the chief. Tradition represents him as an older contemporary of Skanderbeg, the national hero of modern Albania, who, born in 1403, died in 1467 after resisting the Turkish invaders of his country as gallantly and as unavailingly as William Wallace of Scotland resisted the English. The Mirditë tribes are also reported to have been living near Mt. Bishtrik in north-east Albania when they learned Lek's code. As they moved to their present fastness under Turkish pressure in the fifteenth century,[2] we are fairly safe in maintaining that Lek's legislation has survived at least five centuries of oral transmission, a high tribute to its quality and to his personality.

Traditions gathered in areas as far apart in every sense as Moslem Lumë in east Albania and Catholic Shalë and Shkrel in the north say that Lek's main stronghold was the now ruined fort of Drisht near Shkodër. He had another in Has in east Albania which commanded the ford crossing the Drin at Spas, five hours below Kukës; it is perched above the water on the last of a line of

[1] An Italian translation of Lek Dukagjini's canon was published in Rome in 1941 by the Reale Accademia d'Italia.

[2] M. E. Durham, *Some Tribal Origins*, etc., p. 30.

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

denuded peaks linked by perilous natural bridges. The track, once paved in parts, which leads eastwards from Drisht to Shalë is still called 'Lek's road', and there is a 'Lek's rock' in several districts, notably Shalë, Berishë and Surroj. He fought on against the Turks for at least twelve years after Skanderbeg died, and surrendered only when the Turks promised to respect the unwritten laws of the mountains. He then fled to Hungary, where he died.

These traditions are as persistent as they are widespread; those given here tally reasonably well with what Miss Durham heard among the Catholics thirty years earlier. The detail about Lek's conditional surrender is curious, recalling the similar terms given to the Greeks of Constantinople by the Turks in 1453. But there can be no proving or disproving the traditions, unless evidence is eventually found in the Vatican archives; the records in Albanian churches have been burned again and again, together with the buildings. It seems likely, however, that popular memory has confused Lek the law-giver with a warrior of later date.[1]

To mountaineers everywhere Lek the law-giver's code is known as his *kanún*, for which reason Father Gjeçov's book is entitled *Kanuni i Lek Dukagjinit* ('The Code of Lek Dukagjini'). The editor rightly derives the word from the Greek κανών ('rule'), but does not give its interesting pedigree. It came, not directly from Greek, for north Albania has never been under Greek influence, but through Turkish and Arabic. In the words of Professor H. A. R. Gibb, 'the Greek word was very early incorporated into Arabic as qānūn, pl. qawānīn. The Islamic jurists adopted it to designate an administrative regulation, as distinct from the Revealed Law (*Sharī'a*), and many centuries later the Ottoman Sultans adopted it as the designation of their legislative rescripts. The point of retaining this term was that it suggested no interference with, or modification of, the Revealed Law.' To Turkish officials stationed in Albania after its conquest, Lek's code was naturally a *kanún*. Aloof though the Albanian mountaineers held themselves from these officials, they learned a number of their technical terms, as will appear from other examples in this book. They made *kanún* so much their own that they still say something is illegal in pure Albanian (*ligja nuk e ep*, lit. 'the law does not give it') or in mixed Turkish and Albanian (*kanuni nuk e ep*). But,

[1] Perhaps Lek Dukagjini III, 1459–79.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

curiously, they never call Lek's code anything but *kanún*, and so the Catholics amongst them are the only Christians in Europe who have a Canon Law that is not ecclesiastical.

Lek's power, says a tradition referred to in Father Gjeçov's book, extended as far south as the town of Lesh, which he made his capital. Overcoming every difficulty of geography and human obstructiveness, he used to convoke the mountain chiefs to parliament there and after discussion promulgated his laws. No less a personage than Skanderbeg was among the deputies. On p. 121 of Father Gjeçov's book there is a lively description of the argument between the two Alexanders—both Lek and Skander are Albanian forms of Alexander—which ended in their both proclaiming the important doctrine that all men are equal in the sight of the law.

Skanderbeg, if primarily a warrior, was also a law-giver, and it is his code which still guides the mountaineers of Dibër, Mat and Krujë, the three districts with which he was chiefly associated. His family took its patronymic Kastrioti from the hill-fort of Kastriot in Dibër; it was at Krujë that his stout resistance to the Turks made the Pope of the day hail him as the Champion of Christendom. His jurisdiction extended no farther, suggesting that without his military exploits his fame as a law-giver would have faded. In areas farther south where the mountaineers still obey unwritten laws, as in Martanesh and Shpat, no law-giver is remembered a generation or two after his death. The northern limit of Skanderbeg's jurisdiction was fixed by Lek with characteristic wisdom, according to a tradition prevalent in Milot. Once when Skanderbeg was at Dibër and Lek at Shkodër, the former suggested that they should come and meet each other, the point at which they met to be the boundary line between their spheres of influence. When Lek agreed, Skanderbeg set off at sunrise, the canonical time for beginning a journey. But Lek set off four hours earlier and so met his rival at the Kullë Pashaj ('Pasha's Tower') in Mat, which remains to this day the boundary between the two *kanúns*. In general Lek was too clever for Skanderbeg. Once, says another tradition from Milot, Lek, who had a he-goat while Skanderbeg had a steer, suggested that they should swop animals. When this had been done, Lek was heard to mutter: 'He-goat this year, he-goat next year; steer this year, ox next year.'

10: Hasluck F-5 (1926-1939)1954 EGI Albania EGI

dismissed with only the wages due until then. Since it was in a sense his own house and his own father that he had robbed, he could not be given a second chance; he was too obviously devoid of ordinary decency to be trusted again. And since the law forbade his master to strike him, he could not be beaten as a thievish woman might be, till he reformed.

Dismissal did not end his story. He had to pay the statutory fine for housebreaking and to bring his late master two of everything he had stolen. If he had no money for the fine, he had to find a surety for the amount and then go and earn it elsewhere. After European legal codes were introduced at the end of the 1920's, these unwritten laws lost much of their force, and it was rather by threatening to get the thief sent to prison that an injured master obtained restitution.

In less sophisticated days a servant who was only suspected of robbing his master could be tried by the ordeal of the oath. If this proved him innocent, his master had to pay him six *qese* ('purses') for unjustly accusing him, besides a full year's wages and clothes. If it was later found that he had perjured himself, the elders fined him twenty-four *qese*, of which half went to the church (or mosque) and half to the tribe; he had also to return to his master the six *qese* and the unearned wages and clothes which he had won from him by perjury. It sometimes transpired, however, that the informant who had disclosed his perjury had lied himself. Then the elders once more declared the servant innocent, ordered the church and tribe to return his twenty-four *qese*, and the informant to pay him a year's wages and clothes besides six *qese* for the false accusation.

If a servant stole in his master's village or another community, punishment depended on who had instigated the crime. If his master had done so, he and not the servant was in fault, and it was for him to make reparation to the victim. He must also dismiss the servant forthwith as a public nuisance; but since the man was only his tool, he must pay him a full year's wages. If, on the other hand, a servant stole on his own initiative, the fault was his and it was for him alone to make restitution. In addition, he might be legally dismissed with no more than the wages he had earned.

Much the same laws applied when a servant committed a murder. If he did so at his master's instigation, both were punished. He must be dismissed, but his master must pay him a full year's wages. The resultant blood feud was primarily his concern, but if he

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CHAPTER VI

THE SEPARATION OF BROTHERS

In spite of the modernization which Albanian laws had undergone since 1912, brothers still separated according to the laws they had learned from their fathers. The only change introduced by the civil code adapted from the Swiss models was that economic provision must now be made for the daughters of the family, who had formerly been given only a nominal sum when their father's home was broken up.

There were several reasons for breaking up an old home. When a communal household was already full of men, each with his wife and children, it could no longer spare a room for each boy as he grew up and married. Some of the men must hive off, although many disliked the idea of separating from their brothers. As the Albanian proverb says, 'When the hive is full the bees must swarm'.

Quarrelling was another cause of separation. Often the brothers themselves quarrelled, the younger resenting the elder's control of his person and of the family purse, or 'the devil entering both their hearts' they quarrelled about nothing. In the latter case climate might play a role. Theth, for example, lay so high that the peasants were confined to their houses for several months each winter. Then brother got on brother's nerves, high words were spoken and the younger demanded a separation or the elder threatened to expel him. When the milder weather came to release them from confinement, their tempers cooled, but each was too proud to retract the word he had spoken in haste. A financial cause operated in villages near towns, such as Godolesh and Shijan near Elbasan. With the bazaar at hand each brother wanted to control the purse, which he could not do unless he had a separate establishment. Often too brothers must separate because their wives quarrelled. The companionship enforced by communal life naturally bore harder on the women who lacked the blood tie and similarity of upbringing that might neutralize clashes of temperament among the men. Occasionally brothers separated while their father was still alive. If this was their own wish they lost face and

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

CHAPTER XII

ELDERS

It is impossible to understand the laws and customs of the Albanian mountains without a knowledge of the varieties and responsibilities of the elders. A man could be an elder not only in the literal sense but as a legal personage. Seven types developed in sequence one from another among the southern tribes.

Everywhere the word for 'elder' is (sing.) *plak* (plur. *pleq*), which is pure Albanian and means literally 'old man'. There is a corresponding feminine (sing.) *plaka*, 'old woman'. In households of any size there might be several men and women who were really old in years and were 'elders' in the literal sense. These were the first type. The majority were ordinary people and had no legal importance.

The idea of age disappears with the second type, found in every household irrespective of its size. Here there were always one man and one woman who bore the special title of 'old man (or elder) of the house' and 'old woman (or elder) of the house'. These under their more usual Albanian titles of master of the household and mistress of the household were not necessarily elders in the sense of 'older people'. They might have attained their position when under forty and have found themselves in authority at that comparatively early age over older men and women.

The third category of elders appeared as soon as a household split up and each brother or male cousin in it acquired his own house. Then, a 'brotherhood' (*vllazni*) was formed. In this community each new house was as much a separate entity as the parent one, and was no longer under the control of the master and mistress, the 'elders' of the old joint home. It had its own 'elders' of both sexes who managed all its affairs, external and internal. The 'old man' of the joint home, now administering a much smaller household, thus lost a proportionate share of his importance. But the new masters also lost some of theirs. So long as the family lived together any competent adult among them might deputise for the master in village or tribal affairs or in the administration of the communal home, but from the day they separated,

619 even pass a sentence of death, for the 'quarters of the body are a matter for the tribes but the head belongs to Gjomarkaj', says the law. In virtue of these rights, if a village rebelled against the authorities of its tribe, word had to be sent to the Gjomarkaj family, which then summoned the other subtribes and led them against the insurgent villagers and reduced them to reason by fining some, banishing others and destroying others root and branch.

[671] But there were limitations to the head's power. Laws made in concert for themselves by the elders and commonalty of a village about such matters as instigation to crime, breaking one's pledged word, murder and robbery could not be upset by either the tribal authorities or the Gjomarkaj[1] family, provided that these new laws were not innovations contrary to the spirit of the ancient law of the mountains.

1 [the leading family in the region of Orosh, Dibër, Fan, Kushnen and Spaç for several hundred years--Analy

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

is to say, no interested motive for his opinion, he was actually encouraged to express his views. Among the Catholics of the far north the priest was permitted to speak[1] as though he were one of the tribesmen, but his views did not necessarily prevail.

It was unthinkable, of course, that the tribesmen should come without their arms in view of possible dangers on the way. So the law said explicitly that they might bring them. But as soon as they took their places cross-legged on the ground they had to lay their guns on the grass in front of them or on their laps and had to keep them so until the meeting ended. The Catholics sometimes let the priest coax them into depositing their arms in the church house for the duration of the meeting. If anyone raised his gun in anger, it was promptly taken from him by his neighbours. If anyone fired his gun the rest of the meeting immediately formed itself into a firing squad and killed him, and then went in a body to his house and burned it down. Even at the smallest meeting there were four or five important men present who kept a sharp look-out ready to prevent trouble. The priests too kept good watch, and a Franciscan found in Theth by Miss Durham in 1908 told the following story: 'We nearly had a row at the *mexhlis*[1] a little while ago.... I heard a fearful noise and as I ran out a lot of them got up into a bunch like bees and raised their rifles. They were just going to fire. They would not listen to me. I rushed into the church and rang the bell as hard as I could. It had a splendid effect. As soon as they heard the bell, from habit they all shoved their pistols into their belts and took their guns in their left hands and began to cross themselves. No one knew what had happened. They poured into the church to see. By the time we came out again... they were quieted.'

Proceedings usually began with a statement by the president that the tribe had assembled to consider certain matters in the manner required by God and the canon, that is to say, with justice and without innovations or departures from the established law. Great importance was attached to the latter point. The decisions of specialist elders were accepted only on condition that they conformed to the accepted law and did not constitute innovations. This proviso was thought unnecessary in the case of elders who had been bred to the law as the specialists had not, and were therefore trusted to stick to it. This conservatism maintained the strength of the law, the main factor in keeping the tribe together.

[1] General Assembly.

10:Hasluck F-5 (1926-1939)1954 EGI Albania EGI

721 623 685 Like tribes, villages sometimes met together to try to agree about matters of common interest. Villages often quarrelled over irrigation water, and a forest or pasture boundary. They quarrelled even oftener perhaps because the tracks of stolen animals led from one to the other; cattle-lifting and sheep-stealing were common. The most satisfactory way of dealing with troubles was for the two villages to meet in full assembly. After thrashing the matter out in public they generally reached a settlement, failing which they could only go to war. In the early years of the twentieth century cattle thieving was listed as one of the thirteen most important matters brought before General Assemblies in Martanesh. In 1942 it was still so active a disturber of the public peace that the pro-Fascist subprefect of Mat legislated for it among the questions which were the real occasion of his calling together the 5000 families of Mat.[1]

671 619 634 Law-giving was also an important function of General Assemblies. This activity came to an end with centralization and western legal codes, and its nature can be studied in the documents quoted by Father Gjeçov and reproduced as an appendix to this book, pp. 261 sqq. These documents show the variety of matters with which the law-giving of the Assembly was concerned. For instance, Document I, coming from Malësi e Madhe and dated 1864, is wholly devoted to such subjects as betrothal, bride-price, divorce and abduction or elopement. Document XI, which comes from Kurbin in 1906, is much occupied with stealing and with tightening up the social fabric by making attendance at General Assemblies imperative and the authority of elders supreme. With the proclamation of Albanian independence of Turkey only six years ahead, it contains an interesting political note; no Kurbin man is to become a gendarme in Turkish service or to give one food and shelter; and no Moslem of Kurbin is to curry favour with the Turkish authorities by denouncing a Christian fellow-tribesman. Document XIII, which comes from Mat in 1942, is also dated by its politics enjoining support of the Italian régime in Albania.

671 674 In the midst of the variety of subjects in the documents, crimes against life and property are continually appearing as the fundamental threats to the security of the community. A study of the documents shows them as reaffirming and modifying old and recognized laws, rather than formulating new ones. Assemblies

[1] See Appendix, Document XIII, § 4, p. 273.

10: Hasluck F-5 (1926-1939)1954 EGl Albania EGl

were called together to deal with specific problems and their findings emphasize aspects of the law relevant to these problems. The agenda of the assemblies therefore, reveal a good deal of social history. For example, in Document III from Kastrat dated 1891, six of its eleven provisions deal with the use of mills, fountains and springs. Document V, also from Kastrat dated 1892, restates what must have been established law about the constant threat of murder and theft, but it also includes provision for dealing with the owner of a dog entering a field or vineyard without a wooden collar, and the person who washes clothes at the place where the district gets its water.

In 1894 again Kastrat decrees penalties against the man who takes a woman to live with him without marrying her; against anyone tearing his face in mourning for the dead; against persons obstructing chiefs and fine-collectors in carrying out the tribal law.

The documents from Nikâj and Shalë also throw light on the social order to which they refer and its special problems at the time of their formulation. Document VII, dated 1894, is concerned mainly with safety from attack on the roads and the 'pledge of safety' for certain classes of people—mowers and reapers, shooters, women, etc. It was found necessary to reiterate many of the same provisions with the penalties attached to their breach in the following year in Document VIII.

A letter from Shalë to Theth, dated 1907 (XII), asks that the latter shall subscribe to a number of rules about murder and the position of the murderer laid down by Shalë, and after discussing this important subject, states that the rules are under the authority of the Youth.

Document XI (1906) is particularly interesting from an historical point of view, as it combines concern with the usual domestic issue of stealing with anxiety about the machinery of government, and reflects the opposition of the tribe to the Turkish sovereign. There are clauses about non-attendance at General Assemblies and about the use of elders to settle disputes. Heavy penalties are laid down for men joining the Turkish government police, complaining to the government about a Christian, or for anyone giving food or entry to his house to any policeman whether Christian or Mohammedan.

The most recent of the documents (XIII) is the so-called Covenant of Mat which appeared in the Albanian newspaper

10:Hasluck F-5 (1926-1939)1954 EGl Albania EGl

671 *Tomori* on 7 November 1942. The greater part of this document deals with an entirely new situation and the methods by which the people of Mat undertake to adapt themselves to it. But even in this document there appears the familiar restatement of old laws against the familiar crimes of murder, theft and the abduction of women.

681 Differences in the penalties laid down for the same offence may possibly point to social and economic differences among the tribes. For example, in Nikaj, Shalë and Curraj (Documents VII and VIII) a defaulting debtor is to be deprived of civil rights and may be killed or robbed unless he meets his obligations. In Kastrat (V) he is fined twenty-three grosh as a defaulter, but much more heavily fined if his sureties have to pay his debt. Nikaj was a poorer area than Kastrat, and that fact may explain to some extent the difference in penalty. The treatment of stealing also differs as between Kastrat and Shalë which was the poorer of the two. In Kastrat the robber of another's house or sheepfold is to be fined 500 grosh and five rams, but in Shalë (X) the thief who steals a single animal—a ewe, a goat, a cow—is to have 'his harvest burnt, his fields plucked bare and his grain panniers smashed'.

628 682 Some stories related by Father Gjeçov illustrate the application and development of the law. About 1860 a villager of Fregënë in the Mirditë tribe of Dibër told a neighbour to kill a certain man and promised that when the time came to pay the blood money he would see to it. On the faith of this promise, the neighbour ambushed the man on the high road and shot him dead. A little later, Captain Bibë Doda, the Gjomarkaj of the day, went on tour for the purpose of composing current blood feuds. The Fregënë feud came up, among others, and the murderer was ordered to rebuild his victim's house by way of paying blood money. He asked his evil counsellor for the money he had promised, but the latter declined to pay. Captain Bibë and the heads of the tribe summoned this man, and asked him if he had told his neighbour to commit the murder and promised to pay the blood money. The man dared not deny doing so. Then Captain Bibë, together with the bajraktar of Dibër and other heads, reasoning that 'lips can't land a man in a blood feud' and 'words don't make a funeral', made it law that 'Murder depends on the finger'; that is to say, the murderer who must pay with his life or money for the crime is the man whose finger pulled the trigger. They then sentenced the Fregënë murderer to pay blood money for his crime, saying that

2: Durham B-5 (ca. 1910)1928 EG1 Albania EG1
Historical Yugoslavia EF2

H 167 721 727 the trees and, as for arms, did not know what they were, except for two or three kinds of javelins and darts."

Thus he describes them as a savage horde, but gives no information as to tribes or chiefs.

It was fully another century before the Serbs were finally established and settled. Presbyter Diocleas, though hopelessly confused in his details about dates and persons, probably records a true tradition in his *Chronicles* when he describes the invasion of the pagan Slavs thus: "The Christians, seeing themselves placed in great tribulation and persecution, began gathering themselves together on mountain-tops, and strove to construct strongholds and castles and edifices, that they might escape from the hands of the Slavs till God should visit them and set them free."

H A 342 The mountain dwellings of the Vlahs and the Albanians still bear witness to the flight of the old inhabitant before the invader. To what extent the partly Romanized Illyrian populations became intermixed with the Serb it is impossible to say, but the Serb differs so much from the Northern Slav-speaking peoples (Poles, Czechs, Russians) that a considerable admixture of other blood is suggested. That this differed

A 103 197 in various regions is shown by the place-names. Slavonic names are thickest in Serbia (pre-war), in Macedonia, and in Bosnia—that is, in the most fertile districts. They are rarest of all in North Albania, and are scanty in South Albania and in Thrace. In Montenegro and the Herzegovina there is a sprinkling of non-Slavonic names. Antique Greek and Roman names appear mainly on the coasts. Inland, "Nish" preserves the Roman (? pre-Roman) name of "Naissus"; and "Uskub" (Turkish) and "Shkupi" (Albanian) preserve the old "Scupi," now completely distorted by the Serbs into "Skoplje."

A 173 How much of what survives of tribe and tribe law is a remnant of the Illyrians and the "peligones," and how much is Slavonic, can hardly now be determined; but it is of interest to note that tribe and tribe law have survived longest in those districts which were least under Serb rule—Albania, Montenegro, and the Herzegovina.

2. Tribe Law in North Albania

The Canon of Lek Dukagin

A 671 173 Whenever in the mountains I asked why anything was done, I was told, "Because Lek ordered it." Law, custom, usage, were all attributed to Lek. That he must have been a man of strong personality to have thus set a mark on a people is obvious; but very little is known about

6: Shuster S-4 (no date) 1954 El Europe

Albania EG1

659 The legal status of religious establishments was clarified
●671 by a law dated November 26, 1949. The principal stipulations were these:

All clergymen or lay officials must be approved by the State; and any who act illegally "must be dismissed from their posts immediately."

Any communication addressed to the public by a Church official—speech, message, or pastoral letter—must be submitted in advance for censorship.

The education of youth is conducted by the State, and "religious institutions have nothing to do with it."

Religious orders were not to assume management of any hospital or other charitable institution, or to possess real property.

795 Measures taken against the Catholic minority were so bru-
661 tal that even Communist functionaries protested. At a Congress of the People's Party, held on March 31, 1952, General Hoxha sternly upbraided Tuk Jakova, one of the principal Communist Party leaders, for questioning the wisdom of the persecution. Hoxha's words, as reprinted, read in part:

> Comrade Tuk Jakova, disassociating himself from the political program of the Party and of the State in so far as religion and in particular the Catholic clergy are concerned, has not evinced the right attitude toward this clergy or acted against it vigorously. Not seeing the very grave danger which is present in the reactionary clergy, Comrade Jakova has not hated them in an adequate way.

It would therefore appear that while Mohammedanism has been spared the full rigors of the antireligious crusade in Albania, the Christian Churches have suffered as perhaps nowhere else in satellite Europe. Bereft of leadership and of education, depleted through violent death, deportation to labor camps, and escape to other countries, they have been reduced to a status almost as primitive as that of the Churches

782 elders. Even if they are persuaded to swear on the cross, they will not forego the stone, which is the symbol which gives their oath
787 validity. They are also great believers in omens, and in divination. Men versed in this skill read the future by observing the sternal bones of fowl and the scapulae of sheep. I have witnessed a performance of the latter. The bone has its special divisions, each of which has meaning. On the sheep's scapula the joint socket is the house, and its depth or shallowness indicates whether the house will be empty or full of wealth. This can be used to predict success or failure of crops. The ridge on the blade shows whether or not flocks will multiply. Small holes on the blade are cradles, and the diviner can tell how close to the family, i.e., the "house," the birth will be by the distance from the socket. When you hold the blade up to the firelight or lamp, the shape and position of the marrow will tell where and when there will be fighting. Opaque white spots mean death, and their position indicates whether they will be within or without the household of the enquirer.

782 All of these rituals are concerned with the
783 maintenance of equilibrium in Gheg society. Oaths give authority to agreements, and cannot be broken until a crisis arrives which is stronger than that which the oath-breaking will produce. By clever use of the divining bones, a knowledgeable man can evaluate the state of affairs in his neighborhood, and give warnings; he can also precipitate decisions from wavering allies, for if he is a diviner of reputation, his words will be believed. Very often what he predicts will come true.

Special ritual routines common to members of both official religions restore equilibrium after the crises of birth, marriage, and death. All of these rituals which reinforce their social habits are of much greater importance to the Ghegs than the rites of church or mosque, which are not as well adjusted to this particular form of society. Another such mechanism
671 is traditional law, codified and memorized as the Law of Lek Dukagin, which expresses the mountain attitude toward marriage and the selection of wives, and toward the blood feud. It serves to crystallize forms of behavior and inhibit change in those who are trained from childhood to believe in its infallible authority.

[see ctt 16, pp. 37a-b-And yet]